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RHMCSUU/FBI WASHINGTON DC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 03 JAKARTA 001005

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DEPT FOR S/CT, EAP/MTS, INL FOR BOULDIN
DOJ FOR CTS THORNTON, AAG SWARTZ, OPDAT FOR
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TAGS: [PTER](#) [PGOV](#) [KJUS](#) [ASEC](#) [CASC](#) [ID](#)

SUBJECT: CT TRAINING PROGRAM PROMOTES COOPERATION IN
CENTRAL, EAST JAVA

REF: A. 06 JAKARTA 12159

[1](#)B. JAKARTA 827

[1](#)C. 06 JAKARTA 13454

[1](#)D. 05 JAKARTA 16574

[1](#)E. JAKARTA 826

Classified By: Political Officer Adam West for reasons 1.4(b) and (d).

Summary

[1](#)1. (C) On April 2-4, Post co-sponsored the latest in a series of CT training workshops, this time at the Jakarta Centre for Law Enforcement Cooperation (JCLEC) in Semarang, Central Java. Other sponsors included the Embassies of Canada and New Zealand, with the French Embassy providing a French CT expert to address the group. Course participants included police, prosecutors and judges drawn primarily from the provinces of East and Central Java, a region considered key to the GOI's CT effort. Speakers included representatives from the CT Desk in the Coordinating Ministry of Political, Legal and Security Affairs, the Attorney General's Task Force on Terrorism and Transnational Crime (AGO TF), the French Ministry of Justice, the Indonesian National Police Criminal Investigation Directorate and the Supreme Court. Speakers discussed the roots of Indonesian terrorism, took a critical look at the limitations of Indonesian CT law and explored ways to improve coordination among the different agencies involved in the CT effort. Post funding for the event came from a \$750,000 FY04 ESF grant which supported the creation of the AGO TF. The grant will also be used to fund the first of two groups of AGO TF prosecutors who will travel to the US on a comparative study tour from April 24 through May 5. End summary

Targeting a Key Region

[1](#)2. (C) On April 2-4, Post teamed up with the Embassies of Canada, New Zealand and France to co-sponsor a CT training workshop held at the Jakarta Centre for Law Enforcement Cooperation (JCLEC) in Semarang, Central Java. The program was the latest in a series of CT-focused workshops held throughout Indonesia and was designed around three main goals: improving practitioners' knowledge of Indonesia's CT

law and how it can be applied; showcasing advanced techniques for investigating and prosecuting terrorism cases; and improving cooperation between police, prosecutors and judges in the fight against terrorism (ref A). The program brought together 34 police, prosecutors and judges from the provinces of East and Central Java, a region which has yielded 10 convicted terrorists over the past year and which is the scene of an ongoing manhunt for leading fugitives Noordin Top and Abu Dujana. The recent arrests in Central Java illustrate the ongoing importance of this region for Indonesia's CT efforts (ref B). The participants appeared highly engaged throughout the workshop, and many reported being pleased with the quality of the speakers and the program as a whole. Post funding for the event came from a \$750,000 FY04 ESF grant which supported the creation of the AGO TF (ref C).

Roots of JI and Lessons from Abroad

¶3. (C) Brigadier General (ret.) Ansyad Mbai, head of the GOI's CT Desk, opened the workshop on April 2. Mbai stressed the need to combine "soft" and "hard" power to defeat terrorism and emphasized the Indonesian roots of Jemaah Islamiyah (JI) and other radical groups, which he described as inspired by the Negara Islam Indonesia (NII) movement of the 1950's. He also discussed how weaknesses in Indonesia's legal framework complicated the pursuit and prosecution of terrorists and, using France as an example, cited specific ways in which Indonesian law could be strengthened. These "Lessons from France" included the need for longer detention periods and for judges to play a role in investigations, and the need to separate terrorists while in detention. Mbai also praised French conspiracy statutes that allowed suspects

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who planned attacks, received military training or surveyed targets to be tried as terrorists regardless of whether or not the attacks were carried out. (Note: Mbai's knowledge of the French legal system is largely a result of his participation in a USG-funded study tour to Paris in 2005 - ref D.) He also lamented the slow pace of Indonesia's Parliament in revising legislation.

¶4. (C) Supreme Court Justice Djoko Sarwoko and Judge Roki Panjaitan, also veterans of the 2005 Paris program, discussed more specifically how anti-terrorism laws are applied in Indonesia and in other countries such as Malaysia, France and Australia. Sarwoko explained the need to vigorously pursue terrorists while at the same time protecting the civil rights of the accused. Panjaitan described the international nature of terrorist networks and demonstrated that terrorism in Indonesia began long before the attacks of September 11, ¶2001. He stressed that prosecutors in terrorism cases need to find evidence which connects the suspect to these larger networks and not simply to the immediate circumstances surrounding the arrest. He also stressed the need for close cooperation between all three areas of law enforcement.

¶5. (C) French Interior Liaison Hubert Ancelin and Virginie Brelurut, Head of the Organized Crime and Terrorism Bureau at the French Ministry of Justice, explained that CT investigations and prosecutions in France were all tracked by a central coordinating agency and that police were required to report their investigative activities to prosecutors or investigative judges at each stage of the investigation, allowing for far greater coordination between the two groups. Brelurut described a number of salient characteristics of the French legal system with regard to CT, including expansive conspiracy laws which provided prison terms of up to 30 years for suspects convicted of planning to carry out crimes, including terrorism. She also described the importance of constantly updating the CT laws to adapt to changing circumstances. She cited as one of the primary tasks of the Organized Crime and Terrorism Bureau the proposing of updates to the law, which, according to

Brelurut, had been revised some 10 times over the past 20 years. Brelurut's presentation generated intense interest from the participants and a lengthy question and answer period.

Improving Indonesian Practice

¶16. (C) Presentations by prosecutors Payaman and Asep Maryono from the Attorney General's Task Force on Terrorism and Transnational Crime (AGO TF) related their experiences as lead prosecutors in the recent convictions of three terrorists involved in the 2005 schoolgirl beheadings in Poso, Central Sulawesi (ref E.) They emphasized the importance of elucidating the motive for the attack in court and the need for cooperation with police investigators. They also discussed the importance of meeting with witnesses prior to their giving testimony. (Note: witness preparation is not a standard practice in Indonesia at this time.)

¶17. (C) The final presentation was led by Police Inspector General Gories Mere and Brig. Gen. Surya Dharma. The two men arrived by helicopter from Yogyakarta, Central Java, where they were directly overseeing the operation that led to the arrest of eight JI-linked terrorists over the past 10 days (ref B). They described the results of those raids in detail, as well as the history of JI and its regional structure. (Note: According to press reports, seven of the eight suspects have already been transferred to Jakarta for trial, and Payaman and Maryono told us they expect to be part of the AGO TF team that will handle the prosecutions.)

¶18. (C) For the final session, the participants broke into small groups to discuss ways in which CT investigations and prosecutions could be improved in Indonesia. One issue mentioned by all three groups was the security of those who must be present in the courtroom, including witnesses, police investigators, prosecutors and judges. Participants generally agreed that witnesses were highly vulnerable to

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intimidation and were often unwilling to testify for that reason. (Note: Post Resident Legal Advisor (RLA/OPDAT) plans to conduct a training program to address this issue specifically.) Moreover, police who testified also risked blowing their covers, and judges and prosecutors had been targets of retaliatory attacks. Participants suggested that judges try to keep photographers out of the courtroom to protect the identities of those involved, and to consider the use of closed sessions in order to take the testimony of certain witnesses. Another issue which came up was the lack of clarity on the use of intelligence reporting as evidence in the courtroom. This brought up the larger issue of limitations on the use of evidence in criminal trials, which, discussants agreed, needed to be addressed through reform of the criminal procedure code. (Note: RLA/OPDAT is providing assistance to the GOI drafting team currently working on revising the code.) Judges also cited as problematic the rules on detention of suspects, which allow a maximum of six months pre-trial detention and 150 days for the trial. The strict time limits pose a significant limitation in complex cases which require the testimony of a large number of witnesses.

Prosecutors Coming to the US

¶19. (SBU) Post's next project involving the AGO TF is a comparative study tour to the US scheduled for April 24 - May 15. The tour will bring 11 prosecutors to Sacramento, Washington DC and Chicago, where they will meet with law enforcement and judicial officials and witness court proceedings at the federal, state and local levels. In Washington the group will meet with representatives from the DOJ offices responsible for terrorism, money laundering and IPR, and with relevant DOS officials. A second tour for the

remaining AGO TF prosecutors is tentatively scheduled for
later this year.
HEFFERN